



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1927

DATE SCANNED 10/8/09

SCANNER NO. 2

SCAN OPERATOR EEJ

29092642421



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

December 22, 2008

MEMORANDUM

TO: THE COMMISSION

THROUGH: JOSEPH F. STOLTZ *JFS*
ACTING STAFF DIRECTOR

FROM: JOHN D. GIBSON *JG*
CHIEF COMPLIANCE OFFICER

PATRICIA CARMONA *PC*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: *NS* NATALIYA IOFFE/RHIANNON MAGRUDER/CHRIS RITCHIE *RM* *CR*
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION – 2008 12 DAY PRE-
GENERAL REPORT (AUTHORIZED COMMITTEES) FOR THE
ADMINISTRATIVE FINE PROGRAM

2008 DEC 23 P 12:24

FEDERAL ELECTION
COMMISSION
SECRETARIAT

Attached is a list of political committees and their treasurers who failed to file or timely file the 2008 12 Day Pre-General Report in accordance with 2 U.S.C. 434(a). The list is comprised of authorized committees whose candidates sought election in the November 4th General Election.

The committees appearing on the list either filed the report more than five (5) days after the due date, failed to file the report or failed to file the report prior to four (4) days before the general election (considered a non-filed report). In accordance with the schedule of civil money penalties at 11 CFR 111.43, these committees should be assessed the civil money penalties outlined on the attached Reason to Believe (RTB) circulation list.

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Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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Federal Election Commission
Reason to Believe Circulation Report
2008 PRE-GENERAL Election Sensitive 10/23/2008 AUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1927	C00448241	DOUG TUDOR FOR CONGRESS	TUDOR, DOUGLAS DAVID	JON P. TUDOR	\$201,882	0	11/6/2008	Not Filed	\$26,813	\$1,400
1928	C00393041	FRIENDS OF AMATA	COLEMAN, ALUMJA AMATA	MICHAEL LAWRENCE USLE	\$164,857	0	10/30/2008	7	\$2,641	\$120
1929	C00431866	GEORGE FEARING FOR CONGRESS	FEARING, GEORGE BARR	DONTE LE MONTOYA, CPA	\$494,617	0	10/29/2008	6	\$29,643	\$450
1930	C00444810	HARTKE FOR CONGRESS	HARTKE, ANITA RUTH	ANITA HARTKE	\$129,341	0	10/29/2008	6	\$18,165	\$210
1931	C00426387	LARRY ISHMAEL FOR CONGRESS	ISHMAEL, LARRY WAYNE	CARL E. PETERSON	\$100,963	0		Not Filed	\$12,620 (est)	\$900
1932	C00446468	LYNCH FOR CONGRESS	LYNCH, EDWARD J.	EDWARD LYNCH	\$197,985	1		Not Filed	\$65,995 (est)	\$3,750
1933	C00441212	PHILLIPS FOR CONGRESS	PHILLIPS, GEORGE K.	MR. EDWARD O. SWEENEY	\$279,997	0	10/30/2008	7	\$39,822	\$475

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2008)
12 Day Pre-General Report (Authorized)
Committees) for the Administrative Fine)
Program:)
HARTKE FOR CONGRESS, and ANITA) AF# 1930
HARTKE as treasurer;)
DOUG TUDOR FOR CONGRESS, and) AF# 1927
JON P TUDOR as treasurer;)
LYNCH FOR CONGRESS, and EDWARD) AF# 1932
LYNCH as treasurer;)
LARRY ISHMAEL FOR CONGRESS, and) AF# 1931
CARL E PETERSON as treasurer;)
GEORGE FEARING FOR CONGRESS,) AF# 1929
and MONTOYA, DANTE LE CPA as)
treasurer;)
FRIENDS OF AMATA, and MICHAEL) AF# 1928
LAWRENCE USLE as treasurer;)
PHILLIPS FOR CONGRESS, and) AF# 1933
SWEENEY, EDWARD O MR. as treasurer;)

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CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on December 24, 2008 the Commission took the following actions on the Reason To Believe Recommendation - 2008 12 Day Pre-General Report (Authorized Committees) for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated December 22, 2008, on the following committees:

AF#1930 Decided by a vote of 6-0 to: (1) find reason to believe that HARTKE FOR CONGRESS, and ANITA HARTKE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1927 Decided by a vote of 6-0 to: (1) find reason to believe that DOUG TUDOR FOR CONGRESS, and JON P TUDOR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1932 Decided by a vote of 6-0 to: (1) find reason to believe that LYNCH FOR CONGRESS, and EDWARD LYNCH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1931 Decided by a vote of 6-0 to: (1) find reason to believe that LARRY ISHMAEL FOR CONGRESS, and CARL E PETERSON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1929 Decided by a vote of 6-0 to: (1) find reason to believe that GEORGE FEARING FOR CONGRESS, and MONTOYA, DANTE LE CPA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners

29092642426

Federal Election Commission
Certification for Administrative Fines
December 24, 2008

Page 3

Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1928 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF AMATA, and MICHAEL LAWRENCE USLE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1933 Decided by a vote of 6-0 to: (1) find reason to believe that PHILLIPS FOR CONGRESS, and SWEENEY, EDWARD O MR. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

December 24, 2008
Date

Darlene Harris
for Mary W. Dove
Secretary of the Commission

29092642427



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 29, 2008

Jon P. Tudor
Doug Tudor for Congress
P.O. Box 1220
Riverview, FL 33568

C00448241
AF#: 1927

Dear Jon P. Tudor:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 12 Day Pre-General Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election for which the candidate is seeking election, or nomination for election. This report, covering the period through October 15, 2008, shall be filed no later than October 23, 2008. 2 U.S.C. 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed prior to four (4) days before the General Election held on November 4, 2008. You should file the report if you have not already done so.

The Act was further amended in 1999 to permit the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. 434(a). 2 U.S.C. 437g(a)(4). On 12/24/2008, the FEC found that there is reason to believe ("RTB") that Doug Tudor for Congress and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before October 23, 2008. Based on the FEC's schedules of civil money penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at the RTB stage is \$1,400. It is due by 2/2/2009 and is based on these factors:

Election Sensitivity of Report: Election Sensitive
Level of Activity: \$26,813
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

To Pay the Calculated Civil Money Penalty

To pay the calculated civil money penalty, send the enclosed remittance and your payment to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

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To Challenge the RTB Finding and/or Calculated Civil Money Penalty

To challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found on page one, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received by 2/2/2009. Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty. The FEC will only consider challenges that are based on a factual error in the RTB finding; miscalculation of the calculated civil money penalty by the FEC; or your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, a failure of Commission computers or Commission-provided software despite you seeking technical assistance from Commission personnel and resources; a widespread disruption of information transmissions over the Internet that is not caused by the Commission's or your computer systems or Internet service provider; and severe weather or other disaster-related incident. Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, negligence; delays caused by vendors or contractors; treasurer and staff illness, inexperience or unavailability; committee computer, software, or internet service provider failures; failure to know filing dates; and failure to use filing software properly. Your response must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. 111.35.

Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of your right to present such argument in a petition to the district court under 2 U.S.C. 437g. 11 C.F.R. 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

If You Do Not Pay the Calculated Civil Money Penalty or Submit a Challenge

If you do not pay the calculated civil money penalty or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Doug Tudor for Congress and you, as treasurer, violated 2 U.S.C. 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. 3701 et seq. The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. 111.45.

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This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

Additional information on the FEC's administrative fine program, including the final regulations, is located at the FEC's website at www.FEC.gov. If you have questions regarding the payment of the calculated civil money penalty, please contact Rhiannon Magruder in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

Sincerely,



Donald F. McGahn II
Chairman

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ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at RTB is \$1,400 for the 2008 Pre-General Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by 2/2/2009. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Doug Tudor for Congress

FEC ID#: C00448241

AF#: 1927

PAYMENT DUE DATE: 2/2/2009

PAYMENT AMOUNT DUE: \$1,400

29092642431



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

FEDERAL ELECTION COMMISSION
SECRETARIAT

February 26, 2009 2009 FEB 27 P 1:00

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: JOSEPH F. STOLTZ *JFS*
ACTING STAFF DIRECTOR

FROM: JOHN D. GIBSON *JDG*
CHIEF COMPLIANCE OFFICER

PATRICIA CARMONA *PC*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: NATALIYA IOFFE/RHIANNON MAGRUDER *NIM*
COMPLIANCE BRANCH

SUBJECT: ADMINISTRATIVE FINE PROGRAM - FINAL DETERMINATION
RECOMMENDATION FOR THE 2008 12 DAY PRE-GENERAL REPORT
(AUTHORIZED COMMITTEES)

Attached are two lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2008 12 Day Pre-General Report. The first list represents the committees that have paid the civil money penalty and the second list represents those committees that have not paid the civil money penalty. The committees that have not paid have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR 111.34 and 11 CFR 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

For your information, three (3) committees disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty. Of these, one (1) committee will be assessed a civil money penalty at Final Determination (FD) that has been reduced since the RTB finding, and two (2) committees will be assessed a civil money penalty of \$0 at FD. An overview of each of these cases has been provided below.

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Larry Ishmael for Congress (AF 1931) disclosed no activity (previously estimated to be \$12,620) after the RTB finding which would result in no civil money penalty (fine previously assessed to be \$900).

Lynch for Congress (AF 1932) filed the 2008 12 Day Pre-General Report after the RTB finding and disclosed no activity (previously estimated to be \$65,995) which would result in no civil money penalty (fine previously assessed to be \$3,750).

Phillips for Congress (AF 1933) amended the 2008 12 Day Pre-General Report after the RTB finding and disclosed a corrected level of activity which would result in a lowered civil money penalty. The committee disclosed total receipts and disbursements of \$22,322 (previously disclosed as \$39,822), thus the fine would be lowered from \$475 to \$220. The committee paid the civil money penalty assessed at RTB; we will therefore issue a refund for the difference (\$255).

RAD Recommendation

- (1) Make final determination that the political committees and their treasurers on the attached reports violated 2 U.S.C. 434(a) and assess the final civil money penalties so indicated.
- (2) Send the appropriate letters.

29092642433

Federal Election Commission
FD Circulation Report Fine Paid
2008 PRE-GENERAL Election Sensitive 10/23/2008 AUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTS Date	RTS Penalty	Fine/ Money Penalty	Date Paid	Amount Paid
1928	FRIENDS OF AMATA	COLEMAN, ALMUA AMATA	C00393041	MICHAEL LAWRENCE USLE	10/30/2008	7	\$2,841	0	12/24/2008	\$120	\$120	02/09/2009	\$120
1929	GEORGE FEARING FOR CONGRESS	FEARING, GEORGE BARRI	C00431866	DANTELE MONTIYA, CPA	10/29/2008	6	\$25,843	0	12/24/2008	\$450	\$450	02/05/2009	\$450
1930	HARTKE FOR CONGRESS	HARTKE, ANITA RUTH	C00444810	ANITA HARTKE	10/29/2008	6	\$18,165	0	12/24/2008	\$210	\$210	02/05/2009	\$210
1933	PHILLIPS FOR CONGRESS	PHILLIPS, GEORGE K.	C00441212	MRS. EDWARD D. SWEENEY	10/30/2008	7	\$22,322	0	12/24/2008	\$475	\$220	2/3/2009	\$475

Federal Election Commission
FD Circulation Report Fine Not Paid
2008 PRE-GENERAL Election Sensitive 10/23/2008 AUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
1927	DOUG TUDOR FOR CONGRESS	TUDOR, DOUGLAS DAVID	C00448241	JON P. TUDOR	11/06/2008	Not Filed	\$26,813	0	12/24/2008	\$1,400	64	\$1,400
1931	LARRY ISHMAEL FOR CONGRESS	ISHMAEL, LARRY WAYNE	C00426387	CARL E. PETERSON	02/23/2009	Not Filed	\$0	0	12/24/2008	\$900	64	\$0
1932	LYNCH FOR CONGRESS	LYNCH, EDWARD J.	C00448468	EDWARD LYNCH	02/03/2009	Not Filed	\$0	1	12/24/2008	\$3,750	64	\$0

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fines Final Determination)
Recommendation for the 12 Day Pre-)
General Report (Authorized Committees):)
FRIENDS OF AMATA, and MICHAEL) AF# 1928
LAWRENCE USLE as treasurer;)
PHILLIPS FOR CONGRESS, and) AF# 1933
SWEENEY, EDWARD O MR. as treasurer;)
GEORGE FEARING FOR CONGRESS,) AF# 1929
and MONTOYA, DANTE LE CPA as)
treasurer;)
HARTKE FOR CONGRESS, and ANITA) AF# 1930
HARTKE as treasurer;)
DOUG TUDOR FOR CONGRESS, and) AF# 1927
JON P TUDOR as treasurer;)
LARRY ISHMAEL FOR CONGRESS, and) AF# 1931
CARL E PETERSON as treasurer;)
LYNCH FOR CONGRESS, and EDWARD) AF# 1932
LYNCH as treasurer;)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby
certify that on March 04, 2009 the Commission took the following actions on the
Administrative Fines Final Determination Recommendation for the 12 Day Pre-General
Report (Authorized Committees) as recommended in the Reports Analysis Division's
Memorandum dated February 26, 2009, on the following committees:

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AF#1928 Decided by a vote of 6-0 to: (1) make a final determination that FRIENDS OF AMATA, and MICHAEL LAWRENCE USLE as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1933 Decided by a vote of 6-0 to: (1) make a final determination that PHILLIPS FOR CONGRESS, and SWEENEY, EDWARD O MR. as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Banerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1929 Decided by a vote of 6-0 to: (1) make a final determination that GEORGE FEARING FOR CONGRESS, and MONTOYA, DANTE LE CPA as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1930 Decided by a vote of 6-0 to: (1) make a final determination that HARTKE FOR CONGRESS, and ANITA HARTKE as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1927 Decided by a vote of 6-0 to: (1) make a final determination that DOUG TUDOR FOR CONGRESS, and JON P TUDOR as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1931 Decided by a vote of 6-0 to: (1) make a final determination that LARRY ISHMAEL FOR CONGRESS, and CARL E PETERSON as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1932 Decided by a vote of 6-0 to: (1) make a final determination that LYNCH FOR CONGRESS, and EDWARD LYNCH as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

29092642437

Federal Election Commission
Certification for Administrative Fines
March 04, 2009

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March 5, 2009
Date

Mary W. Dove
Mary W. Dove
Secretary of the Commission

29092642438



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 12, 2009

Jon P. Tudor as Treasurer
Doug Tudor for Congress
P.O. Box 1220
Riverview, FL 33568

C00448241
AF#: 1927

Dear Mr. Tudor,

On December 24, 2008, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Doug Tudor for Congress and you as treasurer violated 2 U.S.C. § 434(a) for filing late or failing to file the 2008 Pre-General Report. By letter dated December 29, 2008, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$1,400 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. Within 40 days of the FEC's RTB finding, you were required to either transmit payment of the calculated civil money penalty or submit a written response challenging either the RTB finding or the calculated civil money penalty.

The FEC did not receive payment of the calculated civil money penalty or your written response within the time permitted. The FEC made a final determination on March 4, 2009 that you as treasurer and Doug Tudor for Congress violated 2 U.S.C. § 434(a) and assessed a civil money penalty in the amount of \$1,400 in accordance with 11 C.F.R. § 111.43. The civil money penalty is based on these factors:

Election Sensitivity of Report: Election Sensitive
Level of Activity: \$26,813
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

To Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, send the enclosed remittance form, along with your payment, to the address on page 3 within 30 days of receipt of this letter.

If You Do Not Pay the Civil Money Penalty

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within

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30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Rhiannon Magruder at Federal Election Commission, 999 E St., NW, Washington, DC 20463, or our toll free number (800) 424-9530 (at the prompt, press 5) or (202) 694-1130.

On behalf of the Commission,



Steven T. Walther
Chairman

29092642440

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$1,400 for the 2008 Pre-General Report.

This penalty should be paid by check or money order made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

Payments by Personal Check

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Doug Tudor for Congress

FEC ID#: C00448241

AF#: 1927

PAYMENT AMOUNT DUE: \$1,400

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**AGREEMENT AS TO THE METHOD OF CERTIFYING
DEBTS SUBMITTED TO THE FINANCIAL MANAGEMENT SERVICE'S
CROSS-SERVICING PROGRAM**

This Agreement is submitted by: Federal Election Commission

Creditor Agency: Federal Election Commission

Date of Agreement: December 18, 2008

The Creditor Agency agrees that:

- I. This Agreement (henceforth referenced as 'Agreement') covers all debts, including updates, changes, and modifications (Debts) submitted by Electronic Transmission on or after the date of this Agreement, by the Creditor Agency (henceforth referenced as 'Agency') to the Financial Management Service (FMS), a bureau of the U.S. Department of the Treasury, for collection through the FMS's Cross-Servicing Program (Cross-Servicing).;
- II. The Agency will submit debts to Cross-Servicing via Electronic Transmission of "Add Records" or "Update Records," as described in the attached Exhibit A. Each time the Agency submits a Debt via an Add Record or Update Record, the Agency is certifying the Debt;
- III. Any person who submits Debts via an Add Record or Update Record has or will have delegated authority to certify the Debts on behalf of the head of the Agency, and the Agency will provide a copy of this Agreement to any such person; and,
- IV. By submitting Debts via an Add Record or Update Record, the person submitting such Debts is certifying to the U.S. Department of the Treasury, under penalty of perjury pursuant to 5 U.S.C. § 5514, 31 U.S.C. § 3716, 31 U.S.C. § 3720A, and 28 U.S.C. § 1746, that to the best of his or her knowledge and belief, the following is true and correct:
 1. **Valid Debts.** The debts are delinquent, valid and legally enforceable in the amounts stated.
 2. **No Bar to Collection.** The debts are not subject to any circumstances that legally preclude or bar collection, including collection by offset. There are no foreclosures pending with respect to any collateral securing a debt. The Agency's records do not show that any debtor owing a debt has filed for bankruptcy protection. Alternatively, the Agency can clearly establish that any automatic stay has been lifted or is no longer in effect.

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3. ***Administrative Offset and Tax Refund Offset.*** If the Agency has established a profile instructing FMS to refer debts to the Treasury Offset Program (TOP) on its behalf for the purposes of tax refund and administrative offset, the person submitting such debts will be certifying to the following:
- a. The Agency has complied with all of the provisions of 31 U.S.C. § 3716, 31 U.S.C. § 3720A, 31 C.F.R. §§ 285.2 and 285.5, and the Federal Claims Collection Standards (31 C.F.R. Parts 900-904), as may be amended, as well as other statutes, regulations and policies applicable to collection by administrative offset and tax refund offset. No Debt is more than 10 years delinquent, except for those Debts that may be legally offset if more than 10 years delinquent.
 - b. At least 60 days prior to the date of the certification (i.e., date of Electronic Transmission), the Agency has provided, or made a reasonable attempt to provide in accordance with applicable offset regulations, each debtor with:
 - i. written notification, at the debtor's most current known address, of the nature and the amount of the debt, the intention of the Agency to collect the debt through administrative offset and tax refund offset, including offset of State payments, and an explanation of the rights of the debtor;
 - ii. an opportunity to inspect and copy the records of the Agency with respect to the debt;
 - iii. an opportunity for review within the Agency of the determination of the Agency with respect to the debt, including the opportunity to present evidence that all or part of the debt is not past-due or legally enforceable; and
 - iv. an opportunity to enter into a written repayment agreement with the Agency
 - c. The Agency has considered any evidence presented by the debtor and determined that the amount of the debt is past-due and legally enforceable and there are no pending appeals of such determination.
 - d. The Agency has, at minimum, made the following reasonable efforts to obtain payment of the debt: demanded payment and provided the debtor with the notice and opportunities described in paragraph 3.b.

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4. ***Due Process Compliance for Salary Offset.*** With respect to the offset of Federal salaries, if the Agency has authorized FMS to set up an agency profile so that all debts are referred to TOP for offset of federal salary payments:

- a. The Agency has complied with all of the provisions of 5 U.S.C. § 5514, 5 C.F.R. §§ 550.1101-1110, and 31 CFR 285.7, as may be amended, as well as other statutes, regulations and policies applicable to collection by salary offset.
- b. The Agency has provided, or made a reasonable attempt to provide, each debtor with the notice, opportunities, and considerations described in paragraphs 3.B. and 3.C. and the additional notices and opportunities, including the opportunity for waiver consideration and for a hearing, required for salary offset.

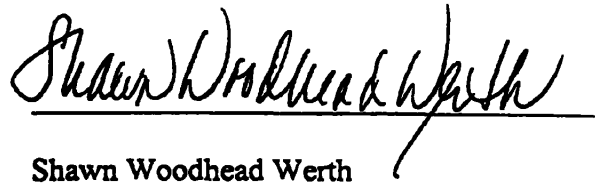
5. ***Consumer Reporting Agencies.*** The Agency has complied with all of the provisions of 31 U.S.C. § 3711(e) and the Federal Claims Collection Standards, as well as other statutes, regulations and policies applicable to the Agency's reporting of delinquent debts to consumer reporting agencies. The Agency has:

- a. determined that the debts are valid and overdue;
- b. notified the debtor, more than 60 days prior to the date of the certification:
 - i. that the debt is overdue,
 - ii. that the Agency intends to disclose to a consumer reporting agency that the debtor is responsible for the debt,
 - iii. of the specific information to be disclosed to the consumer reporting agency, and
 - iv. of the debtor's rights to an explanation of the claim, to dispute the information in the Agency's records about the claim, and to administrative repeal or review of the claim; and
- c. upon the request of a debtor, provided for a review of any debtor's claim, including an opportunity for reconsideration of the initial decision on the claim.

In addition, no debtor has repaid or agreed to repay the claim under a signed repayment agreement or filed for review of the claim.

6. ***Interest and Penalties.*** The Agency has complied with all of the provisions of 31 U.S.C. § 3717 and the Federal Claims Collection Standards, as well as other statutes, regulations and policies applicable to Agency's assessment of interest, penalties and administrative costs. The Agency has mailed or hand-delivered a written notice to all debtors explaining the Agency's requirements concerning the charges.

CERTIFICATION: Pursuant to 28 U.S.C. § 1746, I certify that I have been delegated authority to execute this Agreement on behalf of the head of my agency.

A handwritten signature in black ink, reading "Shawn Woodhead Werth", is written over a horizontal line.

Shawn Woodhead Werth

Director, Office of Administrative Review



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1927

DATE SCANNED 10/8/09

SCANNER NO. 2

SCAN OPERATOR EEJ

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